

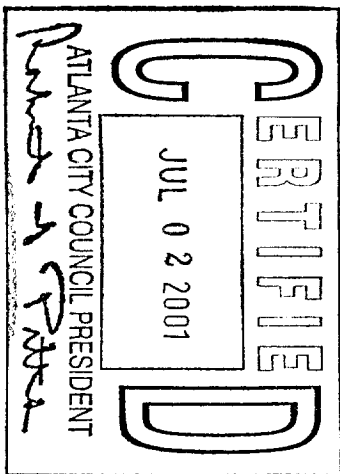
Entered - 04/10/00 - sb
CL00L0197 - DIANNE C. MITCHELL


01- R -0942

CLAIM OF: **NELLIE ATWATER-JACKSON**
1980 Sandgate Circle
College Park, Georgia 30349

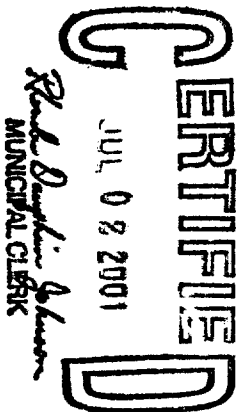
For damages alleged to have been sustained as a result of property damage due to a burst water main on November 6, 1999 at 3473 Dale Lane.

THIS ADVERSED REPORT IS APPROVED



BY: 
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY JUL 02 2001
CITY COUNCIL



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 6/26/01

CHAIR C. T. Martin

James A. Porter

Debra S. Thompson

W. J. [Signature]



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

July 2, 2001

Nellie Atwater- Jackson
1980 Sandgate Circle
College Park, Georgia 30349

01-R-0942

Dear Ms. Atwater-Jackson:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 2, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

**Rhonda Dauphin Johnson, CMC
Municipal Clerk**

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0197

Date: June 12, 2001

Claimant /Victim NELLIE ATWATER-JACKSON

BY: (Atty)(Ins. Co.) _____

Address: 1980 Sandgate Circle, College Park, Georgia 30349

Subrogation: _____ Claim for Property damage \$ 9,853.54 Bodily Injury \$ _____

Date of Notice: 03/21/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/06/99 Place: 3473 Dale Lane

Department _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that her property was damaged when a water main burst. The claim was forwarded to United Water Services Atlanta for handling and their insurance carrier, The Travelers, has settled this claim with the claimant.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

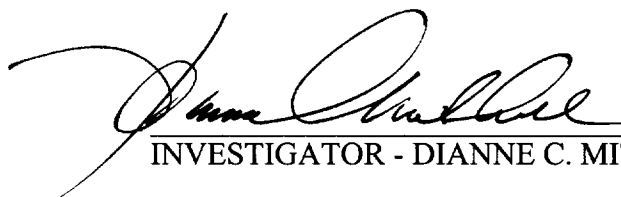
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 06-13-01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 3-15-00

Mitchell
04/04/00
JK

03-21-00P05:06 RCVJ

Dear Municipal Clerk:

ENTERED - 4-10-00 - SB
00LO197 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 9,853.54 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 11-6-1999 2. Time of Incident: 1:30 pm 3. Police called: ✓
(month/day/year). Yes No
4. Location of incident (including street address): 3473 DABE LANE, ATLANTA, GA 30331
5. Name of your insurance company: STATE FARM Policy No. 0387-5176-27
6. State what and how incident occurred: See enclosed letter

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Nellie Atwater-Jackson
(Print Claimant's Name)

Nellie Atwater-Jackson
Signature of Claimant
Mr. Schurnduff said this
was the City of Atlanta problem

1980 Sandgate Cir
(Address)

College Park, GA 30349
(City, State and Zip Code)

2 Enclosures

1. Itemized statement of damages
letter of incident

404-464-6089 770-997-5644
(Work Number) (Home Number)

Mr. and Mrs. Michael Atwater
3473 Dale Lane SW
Atlanta, Ga. 30331

To whom this may concern, on November 6, 1999 at 1:30 p.m. a main water pipe line burst. I went next door to let my next door neighbors know what was going on and no one came to the door. I called United Water at 658-6500 and spoke to a Ms. Roselyn. She asked if my next door neighbors were home and we told her no they were not. I also told Ms. Roselyn that we tried turning the water off from the street and it didn't stop the water. Ms. Roselyn then said to me that there was nothing she could do until my neighbors called in and reported it. The problem then got worse and worse as time passed. It began to flood my entire drive-way and then moved into my home. My neighbor's son Mr. Ben Logan called Ms. Roselyn and told her what was going on and she said to him that we needed to get a plumber and there was nothing that the City could do.

Mr. Ben Logan called the police and a policemen came out and investigated the seen. Ms. Roselyn called my home and said that my neighbor called the police and that he didn't have to do all of that and she was sending someone right then. A young man by the name of Farley arrived on the seen at 4:00 p.m.. Mr. Farley instant reply to the situation that he saw was this is a main water pipe line that is busted. He then went on to say that he was going to radio it in and let them know that it was on the City. After he dispatched it in he then said that he didn't know when someone would be able to come out and shut the water off. My husband and the next door neighbor asked Mr. Farley if he could help dig a hole to reroute the water so that it could stop going into our home. He said that he could not do that and that he didn't know when someone would be able to come out. It was not until 12:00 midnight when someone came to shut the water off. As a result the water covered my entire drive-way and flooded the entrance way of our home. The water flowed on both sides of our home and then down into my basement where the hot water tank is located. It flooded really bad at least 5 feet of water. My husband and believe that if you all would have sent someone out when this problem first occurred that this damage to my home could've been prevented.

The water has damaged my tile the walls in my home, my carpet is ruined. This occurred on Saturday November 6, 1999, my family and I have been without hot water. It's a big inconvenience for my family. We have to boil water to bathe and to do almost anything that involves water. My husband was injured trying to get up this big mess that could've been prevented. We were told that the City would send someone out to pump out the gallons and puddles of water, no one has done anything so we are still without water. I state again that this is really a big inconvenience for my family and I. Our home is severely damaged by this incident we're truly unhappy and unsatisfied of the cooperation that we didn't get from United Water Company. In the near future I pray no one has to endure the pain and suffering that the Atwater family has had to endure.

Sincerely, Mr. and Mrs. Michael Atwater
404-349-3891

RCS# 2964
7/02/01
2:13 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF ITEMS
ADOPTED/ADVERSED ON
CONSENT AGENDA

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0819

CONSENT

07/02/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0869
2. 01-O-0965
3. 01-O-0969
4. 01-O-0977
5. 01-O-0857
6. 01-O-0911
7. 01-O-0968
8. 01-O-0920
9. 00-R-1625
10. 01-R-0929
11. 01-R-0931
12. 01-R-0932
13. 01-R-0989
14. 01-R-0993
15. 01-R-0957
16. 01-R-0926
17. 01-R-0982
18. 01-R-0923
19. 01-R-0956
20. 01-R-0963
21. 01-R-0975
22. 01-R-1001
23. 01-R-0933
24. 01-R-0934
25. 01-R-0935

**ITEMS ADVERSED
ON CONSENT AGENDA**

26. 01-R-0936
 27. 01-R-0937
 28. 01-R-0938
 29. 01-R-0939
 30. 01-R-0940
 31. 01-R-0941
 32. 01-R-0942
 33. 01-R-0943
 34. 01-R-0944
 35. 01-R-0945
 36. 01-R-0946
 37. 01-R-0947
 38. 01-R-0948
 39. 01-R-0949
 40. 01-R-0950
 41. 01-R-0951
 42. 01-R-0952
 43. 01-R-0953
 44. 01-R-0954
 45. 01-R-0955
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